

**REMARKS**

The Official Action mailed June 3, 2008, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Three Month Extension of Time*, which extends the shortened statutory period for response to December 3, 2008. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on November 2, 2001; November 30, 2001; April 18, 2002; September 20, 2002; May 9, 2003; January 30, 2004; June 16, 2004; March 8, 2005; June 27, 2005; August 11, 2005; October 12, 2005; January 12, 2007; July 13, 2007; December 12, 2007; and April 18, 2008.

Claims 6, 7, 9, 19, 21, 39, 40, 42, 44-47 and 59-73 are pending in the present application, of which claims 6, 7, 9, 39, 40, 42, 59 and 60 are independent. Claims 6, 7, 9, 39, 40, 42, 59 and 60 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action objects to the title as not descriptive. In response, the title has been amended as noted above. The amended title is believed to be descriptive of the present invention. Reconsideration of the objection is requested.

Paragraph 4 of the Official Action rejects claims 6, 7, 9, 19, 21, 39, 40, 42, 44-47, 59-61 and 64-73 as obvious based on the combination of U.S. Patent No. 5,051,570 to Tsujikawa, U.S. Patent No. 4,007,294 to Woods, U.S. Patent No. 4,924,279 to Shimbo and U.S. Patent No. 4,778,258 to Parks. Paragraph 5 of the Official Action rejects dependent claims 62 and 63 as obvious based on the combination of Tsujikawa, Woods, Shimbo, Parks and U.S. Patent No. 5,054,887 to Kato. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either

in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 6, 7, 9, 39, 40, 42, 59 and 60 have been amended to recite an interlayer insulating film formed over a thin film transistor, where the interlayer insulating film has a second contact hole and is in contact with a gate electrode. These features are supported in the present specification, for example, by Figures 6D-6G. For the reasons provided below, Tsujikawa, Woods, Shimbo, Parks and Kato, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

In the "Response to Arguments" section, the Official Action asserts that "Tsujikawa teaches that the dielectric film (121) also having a function as gate insulating film as the insulating property, so that such insulating film (121 and 134, 135 together) having a source contact hole and a drain contact hole as a first and second contact holes at the left side and right side of the channel region as shown in Fig. 9B" (page 8, Paper No. 20080523; emphasis in original). That is, the Official Action appears to be asserting that the combination of gate insulating films 134 and 135 and a dielectric film

121 corresponds to the gate insulating film of the present claims. Also, the Official Action appears to continue to assert that the insulating film 122 of Tsujikawa corresponds to the interlayer insulating film of the present claims (page 3, Id.).

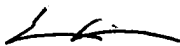
However, Tsujikawa does not teach or suggest an interlayer insulating film formed over a thin film transistor, where the interlayer insulating film has a second contact hole and is in contact with a gate electrode. Specifically, for example, the insulating film 122 of Tsujikawa is not in contact with gate electrodes 112 and 113, as shown, for example, in Figure 9B.

Woods, Shimbo, Parks and Kato, either alone or in combination, do not cure the above-referenced deficiencies in Tsujikawa.

Since Tsujikawa, Woods, Shimbo, Parks and Kato do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
\_\_\_\_\_  
Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789